

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 421 of 2019

Sanket Tayde and one Anr.

Vs.

State Through P.S. Malkapur City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S.V. Sirpurkar, Advocate for applicant.
Mr.J.Y. Ghurde, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 26, 2019

The applicants herein are seeking bail in respect of offences with which they were charged under Sections 395, 397, 120-B R/w 34 of the Indian Penal Code. The case against the applicants is that they along with the accused persons committed the said offences on 26/03/2019, whereby the victims were looted and that the accused persons, including the applicants, shared the booty. It is reported that the FIR was registered on 27/03/2019 and the applicants came to be arrested on 29/03/2019.

2. The learned counsel appearing the applicants submit that although only two persons were named in the FIR and the applicants herein were not even named, but, they were arrested on 29/03/2019, on the allegation that they had assisted the named accused persons in committing the said offences.

3. It has come on record that investigation in the present case is complete and the chargesheet has been filed. It has also come on record that part of cash amount that was allegedly looted in the incident has been recovered. As regards the two named accused persons in the FIR, they have been released by the Sessions Court by order dated 28/05/2019.

4. Although the learned APP opposed grant of relief in the present application, considering the facts and circumstances of the present case, particularly the fact that initially the applicants were not even named in the FIR and further that investigation is now complete and chargesheet has been filed, as also for the reason that the main accused persons named in the FIR have already granted bail by the Sessions Court, this Court is of the opinion that the application deserves to be allowed.

5. It is found that on 08/05/2019, while issuing notice this Court granted interim order of temporary bail in favour of the applicants considering the fact that they are students and they were to appear in examinations. It is pointed out that the applicants are abiding by the conditions imposed by this Court while granting interim order on 08/5/2019. Accordingly, the present application is allowed and the temporary bail granted to them is confirmed. It is

directed that the applicants shall remain present before the Trial Court on each and every date of the proceedings. If there is any violation of the conditions imposed by this Court the bail granted to the applicants shall stand cancelled.

JUDGE

MP Deshpande